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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,669	12/04/2001	James A. Van Bosch	TC00135	9613

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2616

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,669

Applicant(s)

VAN BOSCH, JAMES A.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-11, 13, 15, 17, 18, 20-23 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 13, 15, 17-18, 20-23, 36-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims is withdrawn in view of the newly discovered reference(s) to Kupczyk and Willkie. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 8-11, 15, 18, 20-23, 36-37, 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Kupczyk (USP 6751452) in view of Willkie (USP 6230012).

Regarding claim 1, Kupczyk discloses a method of enabling communication with a wireless communication device, said method comprising the steps of receiving a message, comprising an authentication code for said wireless communication device and an operation to be performed by said wireless communication device (Fig 10, Ref 12' and col. 8, lines 38-58 receiving a message includes access code and command for executing at the vehicle and access code used for authenticated), from a second communication device (Fig 10, Ref 40) via said dynamic address, wherein said unique identifier and said authentication code of said wireless communication device is stored in a memory of said second communication device (access code and vehicle identifier are stored at fig 10, Ref 40, See col. 2, line 51 to col. 3, line 28), if said authentication code received in said message is valid, performing said operation indicated in said

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message at said wireless communication device (Col. 8, lines 38-58). However, Kupczyk fails to disclose receiving a dynamic address when said wireless communication device registers with a wireless communication network; providing to a server a unique identifier for said wireless communication device and said dynamic address assigned to said wireless communication device. In the same field of endeavor, Willkie discloses receiving a dynamic address when said wireless communication device registers with a wireless communication network; providing to a server a unique identifier for said wireless communication device and said dynamic address assigned to said wireless communication device (Col. 11, lines 2-7, col. 8, 33-60, col. 9, lines 11-25 disclose assigned a dynamic IP and providing the IP and identifier of mobile to server of wireless, database contains IP and ESN, MIN etc...).

Since, a method and system for assigned IP address and mapping IP and identifier of wireless device in a server are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for assigning IP address to the wireless device and mapping IP address with identifier as disclosed by Willkie into the teaching of Kupczyk. The motivation would have been to route the packets between the devices.

Regarding claims 2 and 42, Willkie discloses assigning a dynamic IP address to said wireless communications device coupled to a vehicle (Col. 2, lines 48-60 and Fig 10, Ref 12').

Regarding claim 4, Willkie discloses said unique identifier for said wireless communication device is one of an electronic serial number of said wireless communication device or an International Mobile Subscriber Identity number of said wireless communication device (Col. 11, lines 2-7).

Regarding claims 8 and 18, Kupczyk and Willkie disclose said server is a cellular service provider (Fig 10, Ref 24' or Fig 1, Ref 108).

Regarding claims 9 and 22, Kupczyk discloses said message is received from said second communication device via said wireless communication network (Fig 10).

Regarding claims 10 and 20, Kupczyk discloses operation controls said vehicle (Col. 8, lines 38-58).

Regarding claims 11 and 21, Kupczyk discloses said message is received via a packet data link (Col. 8, lines 38-58).

Regarding claim 36, Kupczyk discloses said message is received from said second communication device via said server (Fig 10).

Regarding claims 15 and 37, Kupczyk discloses a method of enabling communication with a wireless communication device, said method comprising the steps of storing an unique identifier and an authentication code of said wireless communication device in a memory of a second communication device (Fig 10, Ref 40 for storing access code and identifier of wireless device for forming a message); transmitting a message from said second communication device (Fig 10, Ref 24') to said wireless communication device via a server (Fig 10, Ref 24'), and wherein said message comprises said unique identifier of wireless communication device, said authentication code of said wireless communication device, and an operation to be performed by said wireless communication device; and if said authentication code sent in said message is valid, controlling said wireless communication device based upon said operation (Col. 8, lines 38-58, packet includes target address, access code and command). However, Kupczyk fails to disclose wherein said server has stored a current dynamic address of said wireless

communication device. In the same field of endeavor, Willkie discloses server has stored a current dynamic address of said wireless communication device (col. 6, lines 1-10).

Since, a method and system for storing address at a sever for using to route the packet to its destination is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for storing a dynamic address of the wireless device in a server as disclosed by Willkie into the teaching of Kupczyk. The motivation would have been to route the packets to the wireless device.

Regarding claim 23, Willkie discloses a steps of receiving said dynamic address assigned to said wireless communication device; and sending subsequent messages directly to said wireless communication device via said dynamic address (Col. 6, lines 1-10).

4. Claims 3, 13, 17, 38-40 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Kupczyk and Willkie as applied to claim 1 above, and further in view of Raithel (USP 6842762).

Regarding claims 3 and 17, Kupczyk and Willkie fail to disclose said unique identifier for said wireless communication device is a vehicle identification number (VIN) of said vehicle. In the same field of endeavor, Raithel discloses identifier is VIN (Col. 2, lines 10-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply VIN as an identifier as disclosed by Raithel into the method and system of Kupczyk and Willkie. The motivation would have been to prevent a break down in the configuration data of the vehicle.

Regarding claim 13 and 38, Kupczyk and Willkie fail to disclose providing said dynamic address to said second communication device. However, the examiner takes an official notice that a method and system for providing IP address of device to another device is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art to provide an IP address of first device to second device into the teaching of Kupczyk and Willkie. The motivation would have been to route the packets via packet network.

Regarding claim 39, Kupczyk and Willkie fail to disclose said second communication device is a wireless communication device. However, the examiner takes an official notice that a method and system for allowing the wireless devices to communicate via a packet network is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art to implement a second device is a wireless device into the teaching of Kupczyk and Willkie. The motivation would have been to provide an universal interface to users.

Regarding claims 40 and 44, Kupczyk and Willkie fail to disclose said message is encrypted. However, the examiner takes an official notice that a method and system for encrypting a message is well known and expected in the art at the time of invention was made. therefore, it would have been obvious to one of ordinary skill in the art to encrypt information of the message before transmitting into the teaching of Kupczyk and Willkie. The motivation would have been to protect data.

5. Claims 41 and 43 rejected under 35 U.S.C. 103(a) as being unpatentable over Kupczyk and Willkie as applied to claims 1 and 15 above, and further in view of Schuyler (USP 6429773).

Kupczyk and Willkie fail to disclose operation comprises at least one of the following starting said vehicle, or deactivating an alarm on said vehicle. In the same field of endeavor, Schuyler discloses sending a message to deactivate an alarm (Col. 2, lines 24-48).

Since, a method and system for deactivating alarm is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for deactivating alarm as disclosed Schuyler in the teaching of Kupczyk and Willkie. The motivation would have been to allow the owner of the vehicle to open the car door.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Steven HD Nguyen
Primary Examiner
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August 8, 2006